

ORIGINAL

HARLAN Y. KIMURA #3321
Central Pacific Plaza
220 South King Street, Suite 1660
Honolulu, Hawaii 96813
Tel. No. 521-4134
FAX No. 521-0361
E-mail: hyk@aloha.net

Attorney for Defendant
JOSHUA KNEPPER

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

APR 14 2006

at 2 o'clock and 15 min P.M.
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00191-01 JMS
)	
Plaintiff,	)	NOTICE OF MOTION;
	)	MOTION TO SUPPRESS
vs.	)	EVIDENCE IN BACKPACK
	)	DUE TO LACK OF PROBABLE
JOSHUA KNEPPER,	)	CAUSE, OR
	)	ALTERNATIVELY,
Defendant.	)	UNREASONABLE DELAY IN
	)	CONDUCTING CANINE
	)	SEARCH; DECLARATION OF
	)	COUNSEL; CERTIFICATE OF
	)	SERVICE
)	
	)	Date: April 24, 2006
	)	Time: 9:30 a.m.
	)	Judge: J. Michael Seabright

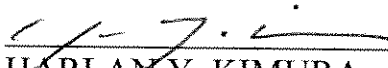
NOTICE OF MOTION

TO: EDWARD H. KUBO, JR., ESQ.
United States Attorney

TO: LORETTA SHEEHAN, ESQ.
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

PLEASE TAKE NOTICE that the following motion will be heard
before the Honorable J. Michael Seabright, in his courtroom in the United States
Courthouse, 300 Ala Moana Boulevard, on April 24, 2006, at 9:30 a.m., or as soon
thereafter as counsel may be heard.

DATED at Honolulu, Hawaii, APR 14 2006.


HARLAN Y. KIMURA
Attorney for Defendant
JOSHUA KNEPPER

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Central Pacific Plaza
220 South King Street, Suite 1660
Honolulu, Hawaii 96813
Telephone No. (808) 521-4134
Facsimile No. (808) 521-0361
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00191-01 JMS
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Plaintiff,)	MOTION TO SUPPRESS
)	EVIDENCE IN BACKPACK
vs.)	DUE TO LACK OF PROBABLE
	)	CAUSE, OR
JOSHUA KNEPPER,	)	ALTERNATIVELY,
)	UNREASONABLE DELAY IN
Defendant.)	CONDUCTING CANINE
)	SEARCH
)	Date: April 24, 2006
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MOTION TO SUPPRESS EVIDENCE IN BACKPACK DUE TO
LACK OF PROBABLE CAUSE,
OR ALTERNATIVELY,
UNREASONABLE DELAY IN CONDUCTING CANINE SEARCH

COMES NOW Defendant JOSHUA KNEPPER (hereinafter
"Knepper"), by and through his counsel, Harlan Y. Kimura, and hereby moves this
Honorable Court for an order suppressing all the evidence found in the Backpack

seized in this case because there was no Probable Cause to seize it from Knepper's bedroom. Alternatively, the detention of the Backpack from 9:34 a.m. until 11:50 a.m. to conduct the Canine Search was unreasonable because: (a) it took more than two (2) hours to conduct the dog sniff; (b) Knepper should have been bailed out shortly after arriving at the Wailuku Police Station because he was only charged at that time with Criminal Trespass In The First Degree, a misdemeanor; and (c) Knepper was never advised of what was happening to his Backpack, how long he would be without its use, and when he could expect it to be returned to him.

This Motion is being made pursuant to, and supported by, the authorities and arguments set forth in the attached Memorandum Of Law, Exhibits, and further evidence to be adduced at the hearing on the same.

DATED at Honolulu, Hawaii, APR 14 2006_____.


HARLAN Y. KIMURA
Attorney for Defendant
JOSHUA KNEPPER